

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Local Exchange Carriers' Rates,)
 Terms, and Conditions for)
 Expanded Interconnection for)
 Special Access)

CC Docket No. 93-162

CONSOLIDATED OPPOSITION TO
 MOTIONS FOR EXTENSION OF TIME

MFS Communications Company, Inc. ("MFS"), by its undersigned counsel, hereby opposes the motions filed with the Commission by Pacific Bell and Nevada Bell ("Pacific"), GTE Service Corporation ("GTE"), and Bell Atlantic (collectively the "Movants"), seeking extensions of time to file their Direct Cases and Replies in the above-referenced tariff investigation (collectively the "Motions"). The Movants seek extensions of time ranging from 28 to 45 days for the filing of Direct Cases, and between 4 and 30 days for the filing of replies or rebuttals to any oppositions or comments filed by other parties with respect to such Direct Case filings.^{1/} In support of its opposition, MFS states the following:

^{1/} Direct Cases currently are due to be filed by the Movants and other LECs on August 13, 1993. Bell Atlantic seeks a four week extension, until September 10, to file its Direct Case; Pacific seeks a 32 day extension, until September 14; and GTE seeks a 45 day extension, until September 27. In addition, GTE requests that the deadline for filing replies to oppositions and comments be extended from 10 to 14 days after such oppositions and comments are due, and Pacific requests that the reply period be extended from 10 to 30 days after oppositions and comments are due. Bell Atlantic, however, does not request any extension of time for filing replies or rebuttals to oppositions and comments on its Direct Case.

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By Order dated June 9, 1993, the Common Carrier Bureau suspended the special access expanded interconnection tariffs of 16 Tier 1 local exchange carriers ("LECs") and initiated an investigation into the lawfulness of these tariffs.^{2/} The Common Carrier Bureau subsequently released an *Order Designating Issues for Investigation* in which it directed the LECs to provide, in addition to other information, cost support data and explanations in a uniform format.^{3/}

The Movants object to the August 13 filing date on the general grounds that it affords them insufficient time to generate adequate responses to the Bureau's requests, particularly in light of the vacation schedules of various personnel, and the involvement of the Movants in other proceedings with coincident timetables. At the heart of the requests for extensions of time, however, is the complaint that the Tariff Review Plan format is "non-standard" and that the data and information requested by the Bureau is "detailed" and "extensive." Put simply, the Movants' main objection is that the Bureau has required them to provide sufficient information, in a clear and comprehensible format, to discern whether their charges for expanded interconnection fairly reflect their costs and whether the Movants' terms for such interconnection are reasonable; and to do so on such a schedule as will least afford the Movants an opportunity to obscure or conceal their costs.

Significantly, the Movants do not argue that the requested information is unavailable, but merely that it exists in a format different from that required by the Bureau. Nor do the

^{2/} *Ameritech Operating Companies, Transmittal Nos. 697, et al.*, 8 FCC Rcd. 4589 (1993).

^{3/} *Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection for Special Access*, DA 93-951 (released July 23, 1993).

Movants claim that they cannot provide the requested data and information, but only that the specified timetable is inconvenient due to the season. It is also significant to note that of the 16 Tier 1 LECs to which the Bureau's pleading cycle applies, only three have sought extensions of time in which to respond to the Bureau's information and data requests. Presumably, the other 13 affected LECs find the response time reasonable and are working to comply with the Bureau's requests on schedule.

MFS submits that the Movants simply seek to delay providing the Bureau and interested parties with vital information on the relationship between their interconnection costs and rates while the clock runs on the suspension of the Movants' tariffs. The schedule established by the Bureau, although admittedly posing a challenge both to the LECs and to opponents of the tariffs being requested, must be adhered to if the Commission is to complete its investigation within the statutory time limits. MFS objects to the attempts of the Movants to delay the progress of the proceedings in this docket without making an adequate demonstration of need for additional time to respond to the Bureau's data and information requests, and without seeking to reconcile their private concerns with the Commission's statutory obligations.^{4/}


Furthermore, approval of the Motions would cause serious prejudice to MFS and other similarly situated parties. If the three Movants were granted varying extensions of

^{4/} The Commission should not even consider any extension of the current schedule unless all 16 LECs whose tariffs are under investigation voluntarily defer the effective dates of all suspended or partially suspended tariff provisions for a period of time equal to the overall extension of the comment cycle. If such voluntary deferrals are offered, then (for the reasons explained in the text below) any modification of the filing schedule should apply uniformly to all parties; and parties opposing the LEC tariffs should be allowed additional time for filing their comments that is comparable to the additional time allowed the LECs.

time, MFS would not be able to analyze and comment on all LEC direct cases simultaneously, as contemplated by the Bureau's schedule. Instead, MFS would have to devote substantial additional time and expense to preparing at least four separate oppositions on differing and in some cases overlapping schedules. The staggered filing of direct cases would also impair MFS and other parties' ability to perform any comparative analysis of LEC data.

For the foregoing reasons, the Motions for Extension of Time should be denied.

Respectfully submitted,



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August 4, 1993

CERTIFICATE OF SERVICE

I, Valerie Gilbert, on behalf of MFS Communications Company, Inc., do hereby certify that I caused a copy of the foregoing "Consolidated Opposition to Motions for Extension of Time" in connection with CC Docket No. 93-162, to be served to the parties indicated on the attached Service List by hand and United States mail, postage prepaid, on this 4th day of August, 1993.



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